

### **REMARKS**

Claims 1-18 are pending in this application and stand rejected. Claims 1, 8, 14, 15, 17 and 18 are independent.

By this Amendment After Final Rejection claim 1 has been amended, and a Terminal Disclaimer has been submitted herewith. Upon entry of this Amendment, claims 1, 8, 14, 15, 17 and 18 will remain independent.

### **The Rejections Under 35 U.S.C. § 112, ¶ 2**

Claims 1-7 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of Applicant's invention. In particular, the feature of claim 1 involving "a data transmitting unit" was deemed to be unclear.

Claim 1 has been revised to clarify the feature in question. Now it will be understood that the data is used to register, in the integrated monitor unit, the machine to be monitored and the first-type local computer network connected to the machine. The data is prepared based on the individual information.

Accordingly, favorable reconsideration and withdrawal of this rejection are respectfully requested.

### **The Double- Patenting Rejections**

Claims 1-18 have been rejected on the grounds of nonstatutory obviousness-type double patenting as being unpatentable over claims 14-60 and 65-69 of U.S. patent no. 6,430,711.

Solely in the interests of expediting prosecution, and without conceding the propriety of any of these double patenting rejections, Applicant submits herewith a Terminal Disclaimer to patent no. 6,430,711.<sup>1</sup>

In view of the submission of this Terminal Disclaimer, the double patenting rejection has been overcome. Favorable reconsideration and withdrawal of that rejection is respectfully requested.

**Request for Confirmation  
of Consideration of Reference**

Among the papers included with the Office Action were initialed copies of the List of References Cited by Applicant(s) form included with the Information Disclosure Statement filed with this application on November 13, 2003.

On the returned form the entry for reference JP 5-191405 was crossed out with the handwritten notation "no translation" added thereto.

The refusal in the Office Action to consider cited JP 5-191405 on grounds no translation was provided was improper because it is contrary to M.P.E.P. § 609.04(a)(II), which states in pertinent part that "**[i]f no translation is submitted, the examiner will consider the information in view of the concise explanation and insofar as it is understood on its face, e.g., drawings, chemical formulas, English language abstracts, in the same manner that non-English language information in Office search files is considered by examiners in conducting searches.**"

JP5-191405 contains Figures 1-5, and so should have been considered at least on the basis of those drawings.

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<sup>1</sup> Applicant previously submitted Terminal Disclaimers to two other patents; the Terminal Disclaimer to U.S. patent no. 6,430,711 was inadvertently omitted from the earlier submission.

In any event, as a convenience, a replacement copy of JP5-191405, together with both an English abstract and machine English translation of that reference, are submitted herewith. Since this reference was previously cited and should have been considered, it is not believed to be necessary to comply with the requirements of 37 C.F.R. § 1.97(d) to have this reference considered and made of record.

The Examiner is requested to confirm that reference JP 5-191405 has been considered. As a further convenience to the Examiner, Applicant provides herewith a List of References Cited by Applicant(s) form for the Examiner to initial with such confirmation.

### **CONCLUSION**

In view of the foregoing revisions and remarks, Applicant respectfully requests entry of this Amendment After Final Rejection and submits that entry of this Amendment will place the present application in condition for allowance. As noted above, the changes made herein do not raise new issues or require substantial additional work by the Examiner.

Applicant respectfully submits that all outstanding rejections have been addressed and are now overcome. Applicant further submits that all claims pending in this application are patentable over the prior art. Accordingly, favorable consideration and prompt allowance of this application are respectfully requested.

Other than the fee for the Terminal Disclaimer authorized therein, no fee is believed to be due in connection with the filing of this paper. Nevertheless, should the Commissioner deem any additional fee(s) to be now or hereafter due in connection with this application, authority is given to charge all such fees to Deposit Account No. 19-4709.

In the event that there are any questions, or should additional information be required, please contact Applicant's attorney at the number listed below.

Respectfully submitted,

*/David L. Schaeffer/*

David L. Schaeffer  
Registration No. 32,716  
Attorney for Applicant  
STROOCK & STROOCK & LAVAN LLP  
180 Maiden Lane  
New York, New York 10038-4982  
(212) 806-6677